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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,083	03/05/2001	Rodger H. Rast	TRico_01	3270

26994 7590 08/02/2004
RODGER H. RAST
11230 GOLD EXPRESS DRIVE
SUITE 310 MS 337
GOLD RIVER, CA 95670

EXAMINER

BAROT, BHARAT

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 08/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/800,083

Applicant(s)

RAST, RODGER H.

Examiner

Bharat N Barot

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 02/27/2002
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Birrell et al (U.S. Patent No. 6,009,462) in view of Ambler et al (U.S. Patent No. 6,393,456).

3. As to claim 1, Birrell et al disclose a system for sending temporally displaced electronic messages over a network (see abstract; figures 1 and 10; column 1 line 64 to column 2 line 17; and column 2 lines 42-47), comprising: a sending system (client) capable of accessing a network and sending an electronic message to a recipient at a destination address on the network (figure 1; and column 2 line 48 to column 3 line 54); and a retention system (mail service) connected on the network store the electronic message and send the electronic message to the destination (figures 1-2; column 4 lines 15-50; column 5 lines 1-33; and column 6 lines 14-54).

However, Birrell et al do not explicitly disclose that the sending system configured to encode a temporal specifier into an electronic message; and the retention system configured to decode the temporal specifier of the electronic message and send the electronic message to the destination in accord with the specified temporal specifier.

Ambler et al disclose a system for sending temporally displaced electronic messages over a network (see abstract; figure 1; and column 10 line 65 to column 11 line 25), comprising: a sending system configured to encode a temporal specifier (work flow specification/mail item) into an electronic message; and a retention system configured to decode the temporal specifier of the electronic message and send the electronic message to the destination in accord with the specified temporal specifier (figure 1; column 13 line 29 to column 14 line 54; and column 15 line 48 to column 16 line 17).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Ambler et al stated above in the system of Birrell et al as stated above because it would have provided a secure and reliable electronic message (e-mail) transmissions between client and server.

4. As to claims 2-3, Birrell et al disclose that the sending system comprises a first computer capable of executing programmed instructions (figure 1; and column 2 line 49 to column 3 line 23); and the retention system comprises a second computer connected to a network and capable of executing programmed instructions (figure 1; and column 4 lines 15-31)

5. As to claims 4-5, Birrell et al disclose that the internet service provider (ISP) for the sending system comprises the retention system such that electronic messages sent from the sending system must pass through the retention system associated with the ISP; and the internet service provider (ISP) for the recipient at the destination address comprises the retention system such that electronic messages sent from the sending system must first pass through the retention system associated with the ISP of the destination address prior to arrival at the destination (figures 1-2; column 4 lines 15-50; column 5 lines 1-33; and column 6 lines 14-54).

6. As to claim 6, Birrell et al disclose that the sending system encodes the network address of the retention system into the electronic message, such that the electronic message containing the encoded temporal specifier is first sent to the retention system prior to the retention system sending the electronic message to the recipient at the destination at a time according to the temporal specifier (see abstract; figures 1, 7-8, and 10; column 9 lines 10-30; column 10 line 39 to column 11 line 6; and column 12 line 59 to column 13 line 7).

7. As to claims 7-8, Birrell et al disclose that the retention system is capable of adding content to the electronic message; and the content added by the retention system is selected from sources of content consisting of text, multimedia, graphics, sounds, files, and file pointers (see abstract; figure 10; column 12 line 59 to column 13 line 7; and column 15 line 30 to column 16 line 7).

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8. As to claim 9, Birrell et al disclose that the sending system is configured to encode commands for escalating the communication of the body of the electronic message to the recipient, and the retention system is responsive to these escalation commands to communicate the body of the electronic message to the destination address additional times (see abstract; figures 1, 7-8, and 10; column 9 lines 10-30; column 10 line 39 to column 11 line 6; and column 12 line 59 to column 13 line 7).

9. As to claim 10, Birrell et al disclose that the body of the electronic message is communicated additional times through a communication media in a format selected from the group of media formats consisting of electronic messages, telephone messages, FAX messages, and Pager messages (column 3 lines 9-23 and 35-43; column 4 lines 59-63; and column 12 lines 52-58).

10. As to claim 11, it is also rejected for the same reasons set forth to rejecting claim 1, 6, and 9 above, since claim 11 is merely a method of operations for the apparatus (system) defined in the claims 1, 6, and 9.

11. As to claims 12-13, Birrell et al disclose that the retention system comprises a mail server provided by the internet service provider (ISP) of the sender and the internet service provider (ISP) of the recipient at the destination address (figures 1-2; column 4 lines 15-50; column 5 lines 1-33; and column 6 lines 14-54).

12. As to claim 16, Birrell et al disclose that the retention system provides editing and deletion capability on the retained electronic messages to the sender of the electronic messages (figure 7; and column 9 lines 10-30).

13. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Birrell et al (U.S. Patent No. 6,009,462) in view of Ambler et al (U.S. Patent No. 6,393,456) as applied to claim 11 above, and further in view of Funk et al (U.S. Patent No. 5,937,162).

14. As to claims 14-15, neither Birrell et al nor Ambler et al explicitly discloses that the user specified delivery time coordinate is configured to be equated to a particular day and time.

Funk et al explicitly discloses that the user specified delivery time coordinate is configured to be equated to a particular day and time (column 6 lines 38-52; column 7 lines 43-51; column 11 lines 29-35; and column 11 line 64 to column 12 line 11).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Funk et al stated above in the system of Birrell et al as stated above because it would have provided an efficient and high volume e-mail transmission system which automatically handle bounced e-mail messages.

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Additional References

15. The examiner as of general interest cites the following references.

- a. Pollack, U.S. Patent No. 6,505,236.
- b. Sato et al, U.S. Patent No. 6,230,189.
- c. Gilmour et al, U.S. Patent No. 6,154,783.
- d. Bloomfield, U.S. Patent No. 6,023,345.
- e. Beck et al, U.S. Patent No. 5,903,723.

Contact Information

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bharat Barot whose telephone number is (703) 305-4092. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alam, Hosain, can be reached at (703) 308-6662. A central official fax number is (703) 872-9306.

Any inquiry of general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 305-3900.

Patent Examiner Bharat Barot

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July 15, 2004

Bharat Barot.
**BHARAT BAROT
PRIMARY EXAMINER**